

Memorandum

To: Subcommittee on Interim Strong Mayor
From: James Ingram
Re: Proposed Charter Language for the Veto Override
Date: July 19, 2007

Per the Subcommittee's request for charter language creating a real veto and override process, including a process for situations in which Council action requires a supermajority vote, I have drafted the following for your consideration:

"Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. If, after such reconsideration, at least two-thirds of all Council members vote in favor of passage, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If the provisions of this Charter or other superseding law require a two-thirds majority vote by the Council to pass any ordinance or resolution, then the Council may not override the Mayor's veto unless it shall act by a majority one vote larger than two-thirds of its entire membership. If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty (30) calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect."

As our previous staff report indicated, the Charter Sections that presently require a supermajority of the Council are 11.2, 17, 26, 41, 90.1(Subd. 4b), 90.2(Subs. 3), 91, 94, 99, 103, 285 and 295(e).

Section 280 protects some Council actions from a Mayoral veto, as required by California law. Of course, the Council's actions as a quasi-judicial body may not be subjected to the veto. However, it may be unwise to continue to exempt other Council actions from a true veto. For example, the Mayor's veto over contracts exceeding five years would require an override by the same six votes required to pass such contracts in the first place (See Sections 99 and 285). [The Subcommittee on Duties of Elected Officials is considering charter language that would require the Annual Appropriations Ordinance (AAO) to do no more than implement the appropriations required under the adopted budget; if that Subcommittee submits charter language along these lines, it would render moot staff concerns regarding the veto and override of the AAO.]